



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
Moriarty, R.M.; Penmasta, R.;
Guo, L.; Rao, M.S.;
and Mehta, R.G.

SERIAL NO.: 09/008,957

FILED: Jan. 20, 1998

TITLE: 1 α -HYDROXYVITAMIN D₅,
ITS SYNTHESIS AND USE
IN CANCER PREVENTION
AND THERAPY

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) Docket No. SYN1
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) Group No. 1616
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) Examiner: Badio
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) Date: February 22, 2001
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Assistant Commissioner for Patents
Washington, D.C. 20231

NOTICE OF APPEAL

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated November 30, 2000, finally rejecting Claims 1-6 and 10-19.

A check in the amount of \$155, representing the fee for this Notice of Appeal, is enclosed. The U.S. Patent Office is hereby authorized to charge any deficiency or credit any overpayment in the total fees indicated above to Deposit Account No. 50-0358.

Respectfully submitted,

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Dated: Feb. 22, 2001

02/27/2001 CV0111 00000024 09008957

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Application No. 09/008,957



CERTIFICATE OF MAILING BY EXPRESS MAIL

Pursuant to 37 CFR Section 1.10, the undersigned certifies that this communication was deposited in the U.S. Postal Service, "Express Mail Post Office to Addressee" service on February 22, 2001, and addressed to Assistant Commissioner for Patents, Washington, DC 20231. The "Express Mail" mailing label number is EL683322245US.

Signed: *Leah Ann Cover*
Dated: *February 22, 2001*



02-23-01

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HAROLD J. FASSNACHT

February 22, 2001

VIA EXPRESS MAIL

Assistant Commissioner for Patents
Washington, D.C. 20231

Re: United States Patent Application No. 09/008,957
Title: 1 α -HYDROXYVITAMIN D₃, ITS SYNTHESIS AND
USE IN CANCER PREVENTION AND THERAPY
Filed: January 20, 1998
Inventors: Moriarty, et. al.
Assignee: OncQuest, Inc.
Docket No.: SYN1

NOTICE OF APPEAL

Dear Assistant Commissioner:

Enclosed are:

1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (original and one copy);
2. Check in the amount of \$155 representing the filing fee for a Notice of Appeal;
3. Certificate of Mailing by "Express Mail"; and
4. Self-addressed stamped return postcard.

Please acknowledge receipt of these items by returning the enclosed self-addressed stamped postcard. Thank you.

Sincerely,

Harold J. Fassnacht
Harold J. Fassnacht
Reg. No. 35,507

Enclosures

cc: Dr. Robert Moriarty
Dr. Richard Pariza